

REMARKS

The Office Action mailed April 24, 2003 has been carefully considered. Applicants request that the Examiner consider the Amendments above and the following remarks, and then pass the application to allowance.

Pending Claims

Claims 1-30, 32-34, 36-38, and 40-44 are pending. Claims 31, 35 and 39 have been canceled by the present Amendment. Claims 1, 8, 15, 22, 29, 32, 33, 36, 37, 40, 41, 43 and 44 have been amended by the present Amendment.

Art Rejection

In the Office Action, claims 1-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "All to play in the US toy market: In less than two years eToys has gained a lead that would-be competitors will find hard to make up" (Financial Times, London, May 25, 1999, Tim Jackson) (hereinafter "eToys") in view of Fortenberry (U.S. Pat. No. 6,101,485). Furthermore, claims 29 - 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over eToys in view of Fortenberry and further in view of "Will Gift Lists Click?" (New York Times, New York, November 18, 1999) and associated screen captures of the Della.com web site content of March 4, 2000 (hereinafter "Della").

By the present Amendment, independent claims 1, 8, 15, 22, 29, 33, 37, and 41 have been amended to more clearly recite the novel and nonobvious aspects of the present

invention. For example, claim 1 recites a method for automatically sending an order from a first user to a recipient over computer network, The method comprises receiving order selections from a computer of the first user. Then stored order data including order selections and order purchase information is saved. A web page having an address and containing the order selections and order purchase information is generated. In response to a request from the user, an electronic mail message is automatically produced and sent to the recipient. The message contains the address of the web page and identifies the stored order and order purchase information thereby allowing the recipient to purchase the stored order using the web page. However, the stored order is not editable by the recipient in order to ensure that the order is not changed and purchased in total.

Independent claims 8, 15, 22, 29, 33, 37, and 41 have been similarly amended to include the limitations that the electronic mail message includes the address of the web page and that the recipient can purchase the order using the web page, but cannot edit the stored order in order to ensure that the order is purchased in total. Furthermore, in order to conform to the independent claim amendments, claims 32, 36, 40, 43 have been amended and claims 31, 35, and 39 have been canceled.

Applicants respectfully submit that eToys, Fortenberry or Della, either alone or in combination, do not teach or suggest that the stored order information is not editable by the recipient of the email. As understood, eToys and Della disclose that wish lists can be created that show the items that a user wants a recipient to purchase. However, both of these references disclose that only a list of items is created, not an order. For instance, the

user creates a list from which a recipient can choose items. The recipient of the list can mix and match the items that he or she wishes to purchase for the user. The recipient of the list is not required to purchase all of the items, but can purchase any number of items as he or she wishes. There is no disclosure in either Della or eToys for the proposition that the recipient cannot edit the list because Della and eToys are concerned with providing the recipient the most flexibility in purchasing products in order to increase sales.

Similarly, Fortenberry does not disclose that the recipient cannot edit the list he or she has received. As seen in Figure 1 of Fortenberry, the recipient has the option of selecting products on the list as desired. The list that is sent to the recipient is unsolicited and the recipient can choose any product on the list to purchase. The recipient doesn't need to purchase all of the items on the list. By giving the recipient the option of choosing products to purchase from the unsolicited list, there is a greater likelihood that the recipient will see a product that he or she wants to purchase. However, if the recipient had to purchase all of the items on the list, there is greater probability that there is an item on the list that the recipient does not want such that the recipient will not purchase the total order. As such, Fortenberry does not disclose that the list is not editable in order to give the recipient greater options in purchasing items and therefore increase the probability that a sale will occur.

On the other hand, the system and method described by independent claims 1, 8, 15, 22, 29, 33, 37 and 41 describes the order as not being editable. The present invention is directed toward selling computer systems. The user has the option of configuring the

computer system to his or her preference. Therefore, the user creates an order for a computer system that is specific to his or her requirements. The user then sends the order to a recipient via an email. Typically, the user will have already mentioned that he or she is sending the order to the recipient because computer systems are expensive and the user does not want the recipient to be surprised. As described by the independent claims, the order is not editable by the recipient because the user has created a system to his or her requirements. It is not be desirable for the recipient to change the order data because the user would then receive a system that the user does not want. Therefore, the stored order that the recipient receives is not editable to ensure that the user receives the requested system.

Applicants respectfully submit that independent claims 1, 8, 15, 22, 29, 33, 37 and 41 are not rendered obvious in view of eToys, Fortenberry, Della because none of the references either alone or combination disclose the stored order data being not editable by the recipient. Additionally, Applicants respectfully submit that claims 2-7, 9-14, 16-21, 23-28, 30, 32, 34, 36, 38, 40, 42 - 45 are in condition for allowance as being dependent upon a respective allowable base claim. As such, withdrawal of the rejections based on the combination of eToys and Fortenberry, and eToys, Fortenberry and Della is respectfully requested.

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully requested.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

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